

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on December 22, 2003, and the references cited therewith. Claims 1 – 25 are pending. By this amendment, Applicant has amended claims 1 - 4, 16 and 20. Support is found in Fig. 2 and the accompanying description. No new matter has been added.

Rejections under 35 U.S.C. § 112

Claims 3 – 14 were rejected under 35 U.S.C. § 112 for including a limitation of "angle DAB" as an angle that is potentially not adjacent the first axis (AB). Claims 3 and 4 have been amended to remove any inconsistency. This also altered claims 5 – 14, each of which were deemed inconsistent only by virtue of depending from claim 4.

Withdrawal of the rejection of these claims is respectfully requested.

Claim 16 was rejected under 35 U.S.C. § 112 as indefinite for including a limitation of "in which $j = q$." The indefiniteness was resolved by replacing this limitation with "in which $j \neq q$." Withdrawal of this rejection of claim 16 is respectfully requested.

Claim 20 was rejected under 35 U.S.C. § 112 as indefinite for including a limitation of "in which $k = 1$." The indefiniteness was resolved by replacing this limitation with "in which $k \neq 1$." Withdrawal of this rejection of claim 20 is respectfully requested.

Rejections under 35 U.S.C. § 102

Claims 1 and 15 - 24 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 4,539,786 to Nelson (hereinafter "Nelson"). Also, claim 25 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,704,169 to Richter (hereinafter "Richter").

As amended, claim 1 recites a structure in which the base's three interior angles CAB, ABC, and BCA are all acute. No such structure is taught or suggested by Nelson. Nelson teaches a structure having a "deployed" state (at Figs. 1 & 3), a "deploying" state (at Fig. 2), and a "retracted" state (at Fig. 4B). The present Office Action likens

Applicant's "first" and "second" base struts with Nelson's "leg elements" (15). The present Office Action further likens Applicant's third base strut with "actuating member" (30). Nelson seems to show "leg elements" forming an obtuse angle in the "deploying state" and forming an angle of 180 degrees in the "retracted" state. Nelson further teaches that leg elements 15 can be "disposed at 90 degrees" at col. 8 line 25. Nelson does not teach or suggest any structure or state in which "leg elements" (15) form an acute angle.

It is respectfully asserted that Nelson does not teach or suggest the structure in claim 1, and that claim 1 is allowable. It is likewise asserted that pending claims 2 – 24 are also allowable, in that they depend from claim 1. Allowance of claims 1 – 24 is accordingly requested.

Concerning claim 25, Applicant again points to the element of that claim that recites "means for assembling ... first, second and third rigid struts." The PTO must construe functional limitations in accordance with the corresponding structure disclosed in the specification when examining means-plus-function patent claims. *In re Donaldson*, 29 U.S.P.Q.2d 1845 (Fed. Cir. 1994) (en banc). Neither Applicant's disclosed structure nor any equivalent is taught or suggested by Richter. Accordingly, allowance of claim 25 is respectfully requested.

Rejections under 35 U.S.C. § 103

Claim 2 was rejected under 35 U.S.C. § 103 as being obvious over Nelson. As explained above with respect to the rejection of claim 1 under 35 U.S.C. § 102(b), claim 1 now recites a structure in which the base's three interior angles CAB, ABC, and BCA are all acute. No such structure is taught or suggested by Nelson. Nelson teaches a structure having a "deployed" state (at Figs. 1 & 3), a "deploying" state (at Fig. 2), and a "retracted" state (at Fig. 4B). The present Office Action likens Applicant's "first" and "second" base struts with Nelson's "leg elements" (15). The present Office Action further likens Applicant's third base strut with "actuating member" (30). Nelson seems to show "leg elements" forming an obtuse angle in the "deploying state" and forming an angle of

180 degrees in the "retracted" state. Nelson further teaches that leg elements 15 can be "disposed at 90 degrees" at col. 8 line 25. Nelson does not teach or suggest any structure or state in which "leg elements" (15) form an acute angle.

In fact, Nelson teaches away from such geometric variations by suggesting the elements have "taken on particular geometric relationships with regard to one another in order to take advantage of the symmetry for stowage" (at col. 8 ln. 20-22). Put another way, Nelson cannot be fairly construed to enable a variation in which the "leg elements" (15) form an acute angle as recited in present claim 1.

For these reasons it is respectfully asserted that Nelson does not teach or suggest the structure in claim 1. It is therefore asserted that claim 1 is allowable, as are pending claims 2 – 24, which depend from claim 1. Withdrawal of the present rejection and allowance of claims 1 – 24 is accordingly requested.

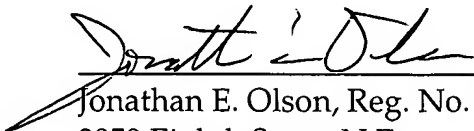
Conclusion

For these reasons, Applicant respectfully asserts that present claims particularly point out and distinctly claim the subject matter which is regarded as the invention. In addition, the present invention as claimed is not taught by the prior art of record or any combination thereof. Therefore, it is respectfully submitted that the pending claims 1 – 25 are all allowable, and allowance of all pending claims is accordingly requested.

If the Examiner is not satisfied, but minor changes would apparently put the present case in condition for allowance, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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Date


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